

Thomas-Jensen
Affirmation
(redacted)

Exhibit # 109

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF Nessa Richman

I, Nessa Richman, declare as follows:

1. I am a resident of the Commonwealth/State of Rhode Island. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the Rhode Island Food Policy Council as Executive Director.

3. The Rhode Island Food Policy Council is responsible for working toward a more equitable, accessible, economically vibrant, and environmentally sustainable food system in Rhode Island.

4. As Executive Director, I am the Accountable Entity for the EPA CCG grant awarded to the Rhode Island Food Policy Council.

5. FACTS:

I serve as the Executive Director of the Rhode Island Food Policy Council, which is a primary grantee of the EPA CCG "From Food Waste to Opportunity" grant project. We are unable to draw down funds. Our \$18,710,533 grant under account #68128933 in the ASAP system is currently showing as "Suspended" (see attachment "RIFPC EPA Grant - AccountProfileInq-v1.0_2-4-2025.pdf"). In addition, when we go to draw down funds, we receive the error message shown in attachment "RIFPC EPA Grant - ASAP Error Message 2.3.25.pdf". Please see the attached screenshots embedded in this email.

We believe that our funds should be reinstated in ASAP immediately pursuant to our legally-binding award, signed by EPA on January 13, 2025. While we understand that there has been Executive Orders issued, the actionable OMB Guidance Memo has been:

1. Successfully challenged in court and, until further notice, can no longer be applied. Judge McConnell ruled on January 31, 2025 that the EPA is "restrained and prohibited from reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary's statement of January 29, 2025." (See Temporary Restraining Order, Case 1:25-cv-00039-JJM-PAS.) Accordingly, we see no reason for withholding our legally-obligated funds at this time.
2. In a notice provided to agencies on February 2, 2025, Treasury interpreted this order to mean that: "federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB memo, or on the basis of the President's recently issued Executive Orders." This prohibition is to be applied to "all awards and obligations." (Emphasis added).
3. I received the below notice on January 29, 2025 which confirms that your agency must comply with the terms of the order.

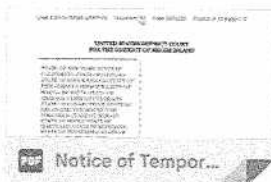
Dear Grant Recipient,

Pursuant to the Court's directive in *New York et al. v. Trump*, No. 25-cv-39-JJM-PAS (D.R.I.), ECF No. 50 (Jan. 31, 2025) all EPA assistance agreement recipients are receiving the attached Notice of the Court's Order for awareness and information. A copy of the Court's Order is also attached for reference. If you have any questions about the scope or effect of the Court's Order, please contact your Grants Award Official.

Thank you.


Please do not reply to this message. This mailbox is not monitored.

One attachment • Scanned by Gmail



Our account still shows our grant award:

SENSITIVE BUT UNCLASSIFIED



Account Balance Inquiry

Date: 02/04/2025
 Time: 11:14 AM

ALC/Region:
68128933
Recipient ID:
[REDACTED]


Agency Short Name:
RTP-Grants
Requestor ID:
N/A

Account ID:
N/A
Account Status:
All
As of Date:
Feb 3, 2025

Inquiry Results:

Recipient ID	Short Name	Account ID	Cumulative Authorizations	Cumulative Draws/RP/BE	Current Available Balance
[REDACTED]	RIFPC	[REDACTED]	\$18,710,533.00	\$0.00	\$18,710,533.00
Totals:			\$18,710,533.00	\$0.00	\$18,710,533.00

But we get an error message when we try to draw down:



Josh Daly
 Working For 4449397

[Home](#)
[Enrollments](#)
[Payment Requests](#)
[Agency Functions](#)
[Reports](#)
[Inquiries](#)
[Help](#)
[Log Off](#)

Initiate Payment Requests (PR)

Step 1 of 4 (Continued)
Retrieve Accounts

ERROR 839: No accounts found matching criteria.
 Enter one or more of the following

Recipient ID : 4449397

ALC / Region : 68128933 ▼

Account ID (or partial) :

Continue

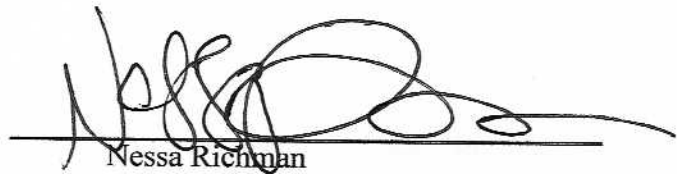
Help for this Step

Withholding this money now has already caused (and will continue to cause) irreparable harm to the communities that we serve and cost invaluable jobs. We have payroll to meet and several open RFPs and three open job descriptions that we are uncertain whether to keep open. We have staff members working on hiring and may need to freeze this process. This funding will help reduce energy costs, create jobs, and implement energy projects.

For all of these reasons, we need our account be reinstated in ASAP immediately pursuant to our legally binding award to help the communities across Rhode Island that we serve.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Kingston, Rhode Island



Nessa Richman